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PATENT Docket No. 441742001200

DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: HEART SUPPORT TO PREVENT VENTRICULAR REMODELING, the specification of which is attached.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Applie Hoding	Comment	Darent Elling	Phone	
		,	□Yes	□No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Sana So	
60/231,075	September 8, 2000

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial Na	Wileis Date:	SERVE		表 () () () () () () () () () (
		□Patented	□Pending	□Abandoned

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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In the application of:

James G. WHAYNE et al.

Serial No.: To Be Assigned

Filing Date: Herewith

FOR HEART SUPPORT TO PREVENT

VENTRICULAR REMODELING

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY UNDER 37 C.F.R. § 3.71

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

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Converge Medical, Inc., the assignee of the entire right, title and interest in this patent application, under 37 C.P.R. § 3.71 hereby appoints:

Laurie A. Axford (Reg No. 35,053) Joseph Barrera (Reg No. 44,522) Shantanu Basu (Reg No. 43,318) Frank P. Becking (Reg No. 42,309) Jonathan Bockman (Reg No. 45,640) Timothy J. Bortree (Reg No. 43,506) Tyler S. Brown (Reg No. 36,465) Mark R. Carter (Reg No. 39,131) Peng Chen (Reg No. 43,543) Thomas E. Ciotti (Reg No. 21,013) Raj S. Davé (Reg No. 42,465) Stephen C. Durant (Reg No. 31,506) David L. Fehrman (Reg No. 28,600) Debra J. Glaister (Reg No. 33,888) Johney U. Han (Reg No. 45,565) Peter Hsieh (Reg No. P-44,780) Madeline I. Johnston (Reg No. 36,174) Sanjay S. Bagade (Reg No. 42,280) Erwin J. Basinski (Reg No. 34,773) Richard R. Batt (Reg No. 43,485) Vincent J. Belusko (Reg No. 30,820) Kimberly A. Bolin (Reg No. 44,546) Barry E. Bretschneider (Reg No. 28,055) Nicholas Buffinger (Reg No. 39,124) Robert K. Cerpa (Reg No. 39,933) Thomas Chuang (Reg No. P-44,616) Matthew M. D'Amore (Reg No. 42,457) Peter Davis (Reg No. 36,119) Carolyn A. Favorito (Reg No. 39,183) Hector Gallegos (Reg No. 40,614) Kenneth R. Glick (Reg No. 28,612) Charles D. Holland (Reg No. 35,196) Wayne Jaeschke, Jr. (Reg No. 38,503) Richard D. Jordan (Reg No. 33,519)

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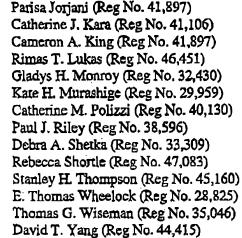
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Karen R. Zachow (Reg No. 46,332)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all written communications relative to this application to:

Johney U. Han Morrison & Foerster 112 755 Page Mill Road Palo Alto, California 94304-1018

Please direct all telephone communications to Johney U. Han at (650) 813-5786.

Converge Medical, Inc. a Delaware corporation

Dated: November 2000

Name: Russell A. Houser
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Address: 7026 Koll Center Parkway

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Serial No. To Be Assigned Docket No. 441742001200



PTO/SB/96 (10-92)

CER	THIC	ATE UNDER 37 C.F.R. § 3.73(b)	Docker No. 441742001200		
In the application of: Serial No.: To Be Assigned Filed: Herewith For: HEART SUPPORT TO PREVENT VENTRICULAR REMODELING			JLAR REMODELING		
		Medical, Inc., a corporation, certifies that it is the assignee of identified above by virtue of either:	f the entire right, title and interest in the patent		
A.	됩	An assignment from the inventors for the patent application provisional patent application 60/231,075 is attached.	on identified above for which a copy from prior		
0	R	·			
B.		A chain of dde from the inventor(s) of the patent application identified above, to the current assignee as shown below:			
	1. From: To: The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.				
	2.	From:			
		To: The document was recorded in the Patent and Trademark Of attached.	fice at Reel, Frame, or for which a copy thereof is		
	3.	From: To: The document was recorded in the Patent and Trademark Of attached.	ffice at Reel, Frame, or for which a copy thereof is		
٠		Additional documents in the chain of title are listed on a sup	plemental sheet.		
		Copies of assignments or other documents in the chain of the	le are smiched.		
		igned has reviewed all the documents in the chain of title of the ned's knowledge and belief, title is in the assignee identified ab			
The	e undersi	igned (whose title is supplied below) is empowered to sign this	certificate on behalf of the assignee.		
and and	belief and the like		de with the knowledge that willful false statements, or Section 1001, Title 18 of the United States Code,		
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PTO/SB/96 (10-92)

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE